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1971

STATE OF MONTANA
DEPARTMENT OF SECRETARY OF STATE
FILED FOR RECORD

August 4, 1971

AT 9:29 P.M. LOGK A.M. ANL

RECORDED IN VOLUME.....

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STATE OF MONTANA

Office of the Governor

BY Frank Murray
SECRETARY OF STATE

EXECUTIVE REORGANIZATION ORDER 3-71

DEPUTY.

Executive Reorganization Order Implementing the Department of Revenue
Pursuant to the Executive Reorganization Act of 1971

Under the Executive Reorganization Act of 1971 (Laws of Montana, 1971, Chapter 272), the Governor is authorized to sign executive orders implementing the various chapters of the Act.


THEREFORE, I, FORREST H. ANDERSON, Governor of the State of Montana, pursuant to the authority invested in me, order that:

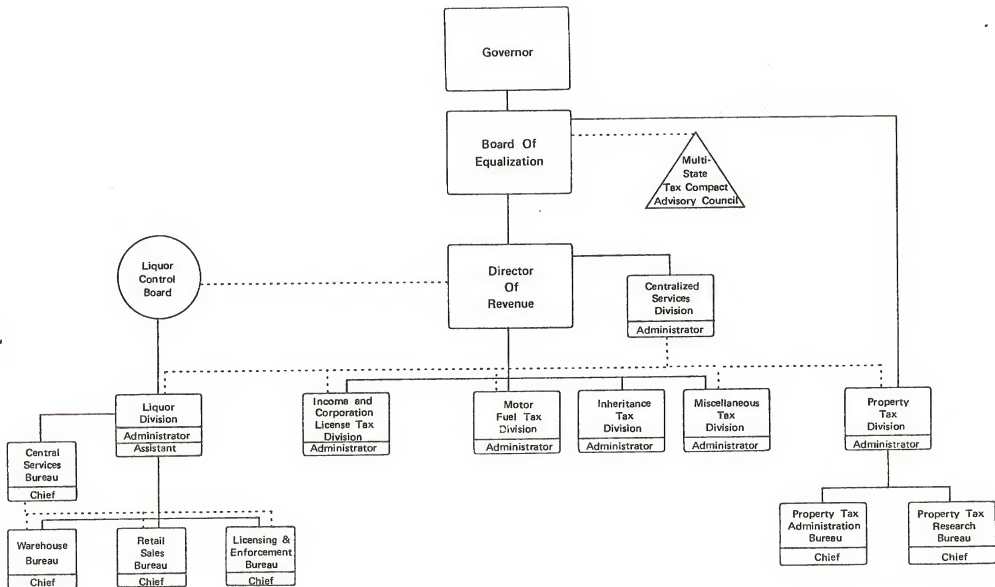
- Chapter 18 (Sections 82A-1801 through 82A-1806) of the Executive Reorganization Act of 1971 providing for the creation of the Department of Revenue shall be effective August 9, 1971.
- From and after August 9, 1971, the Department and its functions shall be organized, supervised, administered, and executed pursuant to the Executive Reorganization Act of 1971, the Constitution, other statutes of the state, and the reorganization plan (dated July 23, 1971) prepared and submitted by the Board of Equalization.
- This executive order shall not affect the validity of any judicial or administrative proceeding pending or which could have been commenced before the date of the order, and the department or unit which succeeds to the functions of an agency transferred or retained by this order shall be substituted as a party in interest.
- The Department's organization charts and descriptions of major programs are appended to this order.

Given under my hand and the GREAT SEAL of the State of Montana this fourth day of August, in the year of our LORD, One Thousand Nine Hundred and Seventy-one.


FORREST H. ANDERSON, Governor

ATTEST:

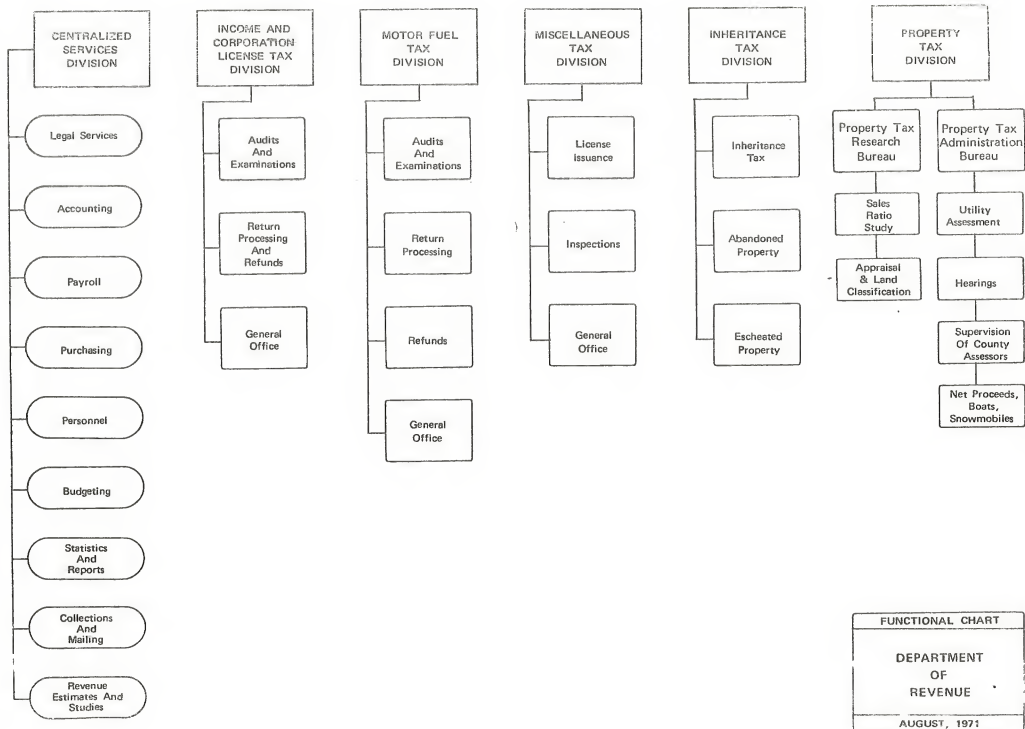

Secretary of State



ORGANIZATION CHART

DEPARTMENT
OF
REVENUE

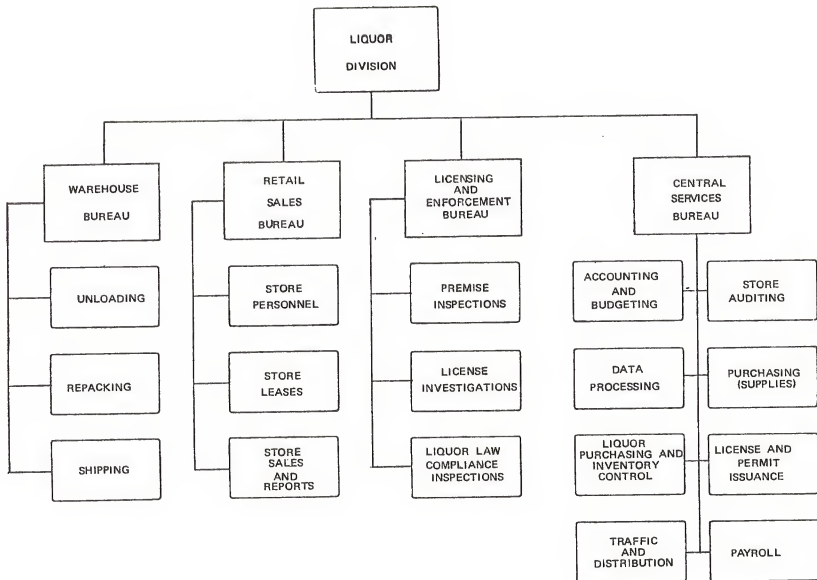
AUGUST, 1971



FUNCTIONAL CHART

DEPARTMENT
OF
REVENUE

AUGUST, 1971



FUNCTIONAL CHART

DEPARTMENT
OF
REVENUE

AUGUST, 1971

MAJOR PROGRAMS

Centralized Services

DESCRIPTION:

The Centralized Services Program will include all internal management functions of the Department of Revenue, including such functions as accounting, payroll, purchasing, budgeting, legal services, revenue collection, cashier and mailing, personnel, and staff training and management for the entire Department.

AUTHORITY:

The authority for the Centralized Services program is found in Titles 84 and 91, R.C.M. 1947.

DIVISION RESPONSIBLE:

The program will be the responsibility of the Centralized Services Division of the Department of Revenue.

Inheritance Tax

DESCRIPTION:

The Inheritance Tax Program will include the administration of the following:

Inheritance Tax
Abandoned Property Act
Escheated Property Act

AUTHORITY:

Inheritance Tax -- Title 91, Chapter 44, R.C.M. 1947
Abandoned Property Act -- Title 67, Chapter 22, R.C.M. 1947
Escheated Property Act -- Title 91, Chapter 5, R.C.M. 1947

DIVISION RESPONSIBLE:

The program will be the responsibility of the Inheritance Tax Division of the Department of Revenue.

Income and Corporation License Tax

DESCRIPTION:

Administration of Montana Corporation License Tax, Montana Corporation Income Tax, and Montana Personal Income Tax will be accomplished through the Income and Corporation License Tax program. The principal activities to be performed in the administration of the program are:

1. Receiving and storing returns;
2. Auditing returns to determine tax legally due;
3. Enforcing collection of tax due;
4. Accounting for withholding tax, estimated tax, and other income tax payments;
5. Refunding overpayments of tax;
6. Determining the existence of delinquencies in filing required returns;
7. Assisting the taxpaying public in the preparation of returns and answering inquiries relative to income tax law and procedures;
8. Designing and prescribing income tax forms, instructions, etc.;
9. Maintaining liaison with the Internal Revenue Service, other state tax agencies, various tax practitioner organizations and tax administrator organizations.

AUTHORITY:

The authority for the Income and Corporation License Tax program is found in:

Article XII, Section 1 of the Constitution of Montana

Corporation Income Tax, Laws of Montana 1971, Chapter 82

Sections 84-1501 through 84-1519, R.C.M. 1947 -- Corporation License Tax

Sections 84-4901 through 84-4958, R.C.M. 1947 -- State Income Tax, Resident Withholding Tax, and Nonresident taxation

DIVISION RESPONSIBLE:

The program will be the responsibility of the Income and Corporation Income Tax Division of the Department of Revenue.

Motor Fuel Tax

DESCRIPTION:

The functions of the Motor Fuel Tax program are to administer license taxes on gasoline, liquid petroleum gas, and diesel fuel from distributors, dealers, and users; administer the refund provisions of the license tax laws; direct and supervise the bonding of distributors, dealers, and users to insure the proper collection of the license taxes; issue permits to distributors, dealers, and users for the sale or use of gasoline, liquid petroleum gas, and diesel fuel; issue licenses for the refund of license taxes; maintain an accounting system of collections and refunds, and a record system for data-gathering reporting forms; audit reporting forms and compile data gathered therefrom.

AUTHORITY:

The authority for the Motor Fuel Tax program is found in:

- Section 84-1857, R.C.M. 1947, License and bond of gasoline distributors.
- Section 84-1839, R.C.M. 1947, Gasoline license tax collections.
- Section 84-1835, R.C.M. 1947, Issuing of Special Fuel Users licenses and collection of Special Fuel Taxes.
- Section 84-1855, R.C.M. 1947, Refund of overpayment of gasoline taxes.
- Section 84-1842, R.C.M. 1947, Special fuel user's temporary trip permits.

DIVISION RESPONSIBLE:

The program will be the responsibility of the Motor Fuel Tax Division of the Department of Revenue.

Property Tax

DESCRIPTION:

The Property Tax Program will be maintained to conduct the constitutional and statutory duties of the State Board of Equalization relating to the equalization and adjustment of the value of taxable property and supervision of County Assessors and County Boards of Equalization as prescribed by Article XII, Section 15 of the Montana Constitution; the duties directly related to the assessment of inter-county property of railroads, utilities, airlines, and truck fleets as prescribed by Article XII, Section 16 of the Montana Constitution and Sections 84-428, 84-708, 84-801, 84-901, 84-6402, and 84-727, R.C.M. 1947; the duties directly related to imposing levies upon livestock for stock protection purposes as prescribed by Article XII, Section 9 of the Montana Constitution; the assessment of the Net Proceeds of Mines and Net Proceeds of Oil; and issuance of certificates of number for boats and snowmobile decals.

AUTHORITY:

The authority for the Property Tax Program is found in:

Article XII, Section 9, Montana Constitution, and Sections 82-1506 and 84-5210, R.C.M. 1947 -- Imposing special levies upon livestock and lands subject to destruction by hail.

Article XII, Section 15, Montana Constitution -- Adjusting and equalizing valuation of taxable property.

Sections 84-429.7 through 84-429.13, R.C.M. 1947 -- Administer the classification and appraisal act.

Sections 84-403, 84-429.11, 84-709, 84-710, R.C.M. 1947 -- Hearing appeals both formal and informal.

Section 84-3803, R.C.M. 1947 -- Fix rate of taxation for each fiscal year.

Article XII, Section 16, Montana Constitution, and Sections 84-708, 84-801, 84-901, 84-727, R.C.M. 1947 -- Assessment of intercounty property of utilities, railroads, airlines, and truck fleets.

Title 84, Chapter 54, R.C.M. 1947 -- Net Proceeds of Mines.

Title 84, Chapter 62, R.C.M. 1947 -- Net Proceeds of Oil.

Title 69, Chapter 35, R.C.M. 1947 -- Certificate of Number (boats).

Laws of Montana 1971, Chapter 435 -- Property tax paid decals for snowmobiles.

DIVISION RESPONSIBLE:

The program will be the responsibility of the Property Tax Division of the Department of Revenue.

Miscellaneous Taxes

DESCRIPTION:

The Miscellaneous Tax program will include the administration of the following taxes;

Cement Dealers Tax
Cement and Gypsum Producers
Strip Coal Mines
Coal Retailers
Electric Energy Producers
Express Companies
Natural Gas Distributors
Oil Producers
Telegraph License Tax
Telephone License Tax
Public Contractors' License Tax
Micaceous Mineral Mines License Tax
Carbon Black Producers' License Tax
Payments in Lieu of Taxes
Sleeping Car Company License Tax
Freight Line Companies' Tax
Metalliferous Mines License Tax
Rural Electric and Telephone Cooperative License Tax
Store License Tax
Cigarette Wholesaler and Retailer Licenses
Cigarette Tax
Tobacco Tax

AUTHORITY:

The authority for the Miscellaneous Tax Program is found in the following chapters of the Revised Codes of Montana:

Cement Dealers Tax	Title 84, Chapter 11, R.C.M. 1947
Cement and Gypsum Producers	Title 84, Chapter 12, R.C.M. 1947
Strip Coal Mines	Title 84, Chapter 13, R.C.M. 1947
Coal Retailers	Title 84, Chapter 14, R.C.M. 1947
Electrical Energy Producers	Title 84, Chapter 16, R.C.M. 1947
Express Companies	Title 84, Chapter 17, R.C.M. 1947
Natural Gas Distributors	Title 84, Chapter 21, R.C.M. 1947
Oil Producers	Title 84, Chapter 22, R.C.M. 1947
Telegraph License Tax	Title 84, Chapter 25, R.C.M. 1947
Telephone License Tax	Title 84, Chapter 26, R.C.M. 1947
Public Contractors' License Tax	Title 84, Chapter 35, R.C.M. 1947
Micaceous Mineral Mines License Tax	Title 84, Chapter 59, R.C.M. 1947
Carbon Black Producers' License Tax	Title 84, Chapter 10, R.C.M. 1947
Payments in Lieu of Taxes	Title 84, Chapter 55, R.C.M. 1947
Sleeping Car Company License Tax	Title 84, Chapter 23, R.C.M. 1947

Freight Line Companies' Tax	Title 84, Chapter 48, R.C.M. 1947
Metalliferous Mines License	
Tax	Title 84, Chapter 20, R.C.M. 1947
Rural Electric and Telephone	
Cooperative License Tax	Title 14, Chapter 5, R.C.M. 1947
Store License Tax	Title 84, Chapter 24, R.C.M. 1947
Cigarette Wholesaler and	
Retailer Licenses	Title 84, Chapter 56, R.C.M. 1947
Cigarette Tax	Title 84, Chapter 56, R.C.M. 1947
Tobacco Tax	Title 84, Chapter 68, R.C.M. 1947

DIVISION RESPONSIBLE:

The program will be the responsibility of the Miscellaneous Tax Division of the Department of Revenue.

General Administration (Liquor Division)

DESCRIPTION:

The General Administration program will provide for the day-to-day supervision and management of the activities of the Liquor Control Board. The activities will be designed to establish sound administrative policies and effective operating procedures as needed to direct, coordinate, and evaluate each program for which the Liquor Control Board is responsible. Included in these activities are budgeting, accounting, reporting, internal auditing and purchasing, payroll, and the ministerial task of license and permit issuance.

(Under the provisions of Section 82A-108 of S.B. 274, the Executive Reorganization Act of 1971, most of the above functions would be performed for the administratively transferred agency by the principal department. In the interest of efficiency and effectiveness of operation, the functions will be delegated back to the administratively transferred agency (Liquor Control Board--Liquor Division) by the principal department (Department of Revenue.)

AUTHORITY:

The authority for this program is found in Title 4, R.C.M. 1947.

DIVISION RESPONSIBLE:

The General Administration program will be the responsibility of the Central Services Bureau of the Liquor Division.

Merchandising - Warehouse Operations

DESCRIPTION:

This program will provide for the unloading of liquor merchandise received, storing of liquors, and assembling and loading of liquor orders for shipment to the various state stores.

AUTHORITY:

The authority for this program is found in Title 4, R.C.M. 1947.

DIVISION RESPONSIBLE:

This program will be the responsibility of the Warehouse Bureau of the Liquor Division.

Merchandising - State Liquor Stores

DESCRIPTION:

This program will provide for the sale of liquors to the general public and licensed retail distributors in Montana both through state operated vendor stores and commission stores.

AUTHORITY:

The authority for this program is found in Title 4, R.C.M. 1947.

DIVISION RESPONSIBLE:

This program will be the responsibility of the Retail Sales Bureau of the Liquor Division.

Merchandising - Resale Purchases

DESCRIPTION:

This program will provide for the purchase of all liquor subsequently sold within the state by the Liquor Control Board. It will be the purpose of the program to purchase that variety of alcoholic beverages which will satisfy consumer demands without producing a disproportionate ratio of average inventory to sales and without necessitating the purchase of resale goods in uneconomical quantities or frequencies.

AUTHORITY:

The authority for the Merchandising-Resale Purchases program is found in Title 4, R.C.M. 1947.

DIVISION RESPONSIBLE:

The Merchandising-Resale Purchases will be the responsibility of the Central Services Bureau of the Liquor Division.



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RegulatingDESCRIPTION:

This program will provide for the determination of qualifications for all liquor and beer licenses and permits, inspection of the premises and activities of licensees, and enforcement of liquor and beer laws and regulations. Based upon the activities of this program, the Liquor Control Board will remain the ultimate licensing authority. The ministerial task of actual license and permit issuance will be performed under the General Administration program (Central Services Bureau).

AUTHORITY:

The authority for the Regulating program is found in Title 4, R.C.M. 1947.

DIVISION RESPONSIBLE:

This program will be the responsibility of the Licensing and Enforcement Bureau of the Liquor Division.